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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA ,	)	
	)	CASE NO. 2:18 CR365 JNP/BCW
Plaintiff,	)	
	)	MOTION FOR INTERIM DISCOVERY
v.	)	PROCEDURE WITH RESPECT TO
	)	THE FORFEITURE MOMS
JACOB KINGSTON, et al.,	)	
	)	
Defendant.	)	
	)	
v.	)	
	)	
KENT JOHNSON,	)	
	)	
Petitioner.	)	
_____	)	Honorable Jill N. Parrish

Comes now petitioner who requests that the court adopt a simplified and interim discovery procedure for the 7 private homeowners, known collectively as the Forfeiture Moms, who have been ensnared in this litigation in order to achieve a quick and just resolution without causing financial devastation to these petitioners through unnecessary protracted litigation.

**RELIEF SOUGHT**

The Forfeiture Moms are asking the court to order the following discovery procedures and schedule for these homeowners. Each party shall make “Initial disclosures” to take place within 60 days and shall include names and contact

information for each witness to testify at the hearing together with a summary of testimony, itemization of each document each side intends to introduce at the hearing, identification of experts, if any. Each side shall thereafter have 60 days to file motions for summary judgment or to dismiss. At the end of the period for summary judgment either party could motion for adoption of a formal discovery schedule if the case is not resolved.

### **FACTS AND ARGUMENT**

1. The original Forfeiture Mom group contained approximately 17 people. As soon as their forfeiture notices were served back in 2020 the Forfeiture Moms immediately provided to the government large hard copy stacks of copies of relevant documents including purchase and loan documents and other related documents. Basically everything the government asked them to provide. It is estimated that the Forfeiture Moms have provided documents approximately one and a half feet thick, about 7 reams of paper.
2. Ultimately, the government dropped the forfeiture claims against most of the Forfeiture Moms due to lack of nexus. See Doc. XXXX
3. Informal discovery has been ongoing since June of 2023 with the remaining petitioners who have provided the government with everything the government has asked for as far as bank records, purchase and sale agreements and pretty much anything else the government has asked for. There are a couple of very recent outstanding requests for bank records/business records that are still being gathered.
4. The government recently conceded that none of the Forfeiture Moms had any knowledge of the wrongdoing by Jacob and Isaiah Kingston. The only remaining

issue is whether they were each bona fide purchasers for value. The government indicates that it just wants to be sure that these are all real loans not involving straw buyers, nominees, or fake loans. The government may be operating under the impression that the Forfeiture Moms are part of a cult like religious movement where nobody really owns anything and it is all dedicated to the religion even though the property or bank accounts, or whatever, are in the names of the Forfeiture Moms.<sup>1</sup>

### **ARGUMENT**

#### **1. The court should order a simplified initial discovery procedure for the Forfeiture Moms to avoid unnecessary expense and attorney fees and long delays.**

Having reviewed Rule 32.2 of the Federal Rules of Criminal Procedure, Fed. R. Civ. Pro. 16, 26 and Local Civil Rule 16-1 the petitioners believe the court has the authority to order the discovery procedures set forth in Petitioners' concurrently filed Motion for Interim Discovery Procedure which in essence calls for both parties to make "initial disclosures" within 60 days and then have motions for summary judgment or to dismiss within 60 days thereafter. The initial disclosures will include names and contact information for each witness together with a summary of testimony, itemization of each document each side intends to introduce at the hearing, identification of experts, if any. At the end of the period for summary judgment either party could motion for adoption of a formal discovery schedule.

Wherefore, the Forfeiture Moms request that the court adopt the petitioners proposed alternative interim method of discovery.

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<sup>1</sup> None of this is true.

DATED this \_10\_\_ day of November, 2023.

\_\_\_/s/ Robert Breeze\_\_\_\_\_  
Robert Breeze  
Attorney for Petitioner

**CERTIFICATE OF SERVICE**

I certify I served via efiling a true and correct copy of the foregoing to:

United States Attorney  
All other parties

On this \_10\_\_ day of November, 2023.

/s/ Robert Breeze